

109TH CONGRESS  
1ST SESSION

# H. R. 174

To encourage greater use of geothermal energy resources.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

Ms. MILLENDER-MCDONALD introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To encourage greater use of geothermal energy resources.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Geothermal Energy  
5       Initiative Act of 2005”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds the following:

8               (1) The last national resource assessment of  
9       geothermal energy resource sites in the United  
10      States was completed in 1978. There have been sub-

1       stantial changes in technology and advances in geo-  
2       logical science in the intervening 26 years.

3               (2) Many Federal land management agencies,  
4       including the Bureau of Land Management and the  
5       Forest Service, are not aware of geothermal energy  
6       resources and fail to recognize geothermal energy re-  
7       sources in their land use planning process. Failure  
8       to recognize geothermal energy resources during the  
9       land use planning process poses significant delays in  
10      geothermal resource development.

11             (3) The Bureau of Land Management has a  
12      backlog of 230 lease applications for prospecting for  
13      geothermal energy. The average age of these lease  
14      applications is 9 years. The oldest non-competitive  
15      application was received in 1974.

16             (4) There appears to be a lack of focus and pri-  
17      ority in the Bureau of Land Management concerning  
18      geothermal energy efforts.

19             (5) Development of geothermal energy re-  
20      sources is environmentally safe and clean.

21   **SEC. 3. ASSESSMENT OF GEOTHERMAL ENERGY RE-**  
22                   **SOURCES.**

23             (a) RESOURCE ASSESSMENT.—Not later than 3  
24      months after the date of the enactment of this Act, and  
25      each year thereafter, the Secretary of Energy shall review

1 the available assessments of geothermal energy resources  
2 available within the United States and undertake new as-  
3 sessments as necessary, taking into account changes in  
4 market conditions, available technologies, and other rel-  
5 evant factors.

6 (b) CONTENTS OF REPORTS.—Not later than 1 year  
7 after the date of the enactment of this Act, and each year  
8 thereafter, the Secretary shall publish a report based on  
9 the assessment under subsection (a). The report shall con-  
10 tain a detailed inventory describing the available amount  
11 and characteristics of the geothermal energy resources, in-  
12 cluding—

13 (1) descriptions of surrounding terrain, popu-  
14 lation and load centers, nearby energy infrastruc-  
15 ture, location of energy and water resources, and  
16 available estimates of the costs needed to develop  
17 each resource;

18 (2) an identification of any barriers to pro-  
19 viding adequate transmission for remote sources of  
20 geothermal energy resources to current and emerg-  
21 ing markets;

22 (3) recommendations for removing or address-  
23 ing such barriers; and

1 (4) ways to provide access to the grid that do  
2 not unfairly disadvantage renewable or other energy  
3 producers.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—To carry  
5 out this section there is authorized to be appropriated to  
6 the Secretary of the Interior \$5,000,000 for fiscal years  
7 2006, 2007, and 2008.

8 **SEC. 4. ENHANCED ACCESS TO FEDERAL LANDS FOR GEO-**  
9 **THERMAL RESOURCE DEVELOPMENT.**

10 (a) REVISION OF LAND USE PLANS.—

11 (1) PUBLIC LANDS.—The Secretary of the Inte-  
12 rior shall expedite development of geothermal energy  
13 in making revisions to land use plans under section  
14 202 of the Federal Land Policy and Management  
15 Act of 1976 (42 U.S.C. 1712) while protecting other  
16 resources.

17 (2) NATIONAL FOREST SYSTEM LANDS.—The  
18 Secretary of Agriculture shall expedite development  
19 of geothermal energy in making revisions of land  
20 and resource management plans under section 6 of  
21 the Forest and Rangeland Renewable Resources  
22 Planning Act of 1974 (16 U.S.C. 1604) while pro-  
23 tecting other resources.

24 (3) ISSUANCE OF RIGHTS-OF-WAY NOT AF-  
25 FECTED.—Nothing in this subsection shall preclude

1 the issuance of a right-of-way for the development of  
2 a geothermal energy project prior to the revision of  
3 a land use plan by the appropriate land management  
4 agency.

5 (b) REPORT TO CONGRESS.—Within 24 months after  
6 the date of the enactment of this section, the Secretary  
7 of the Interior shall develop and report to the Congress  
8 recommendations on any statutory or regulatory changes  
9 the Secretary believes would assist in the development of  
10 geothermal energy on Federal land. The report shall in-  
11 clude—

12 (1) a 5-year plan developed by the Secretary of  
13 the Interior, in cooperation with the Secretary of  
14 Agriculture, for encouraging the development of geo-  
15 thermal energy on Federal land in an environ-  
16 mentally sound manner;

17 (2) an analysis of—

18 (A) whether the use of rights-of-ways is  
19 the best means of authorizing use of Federal  
20 land for the development of geothermal energy,  
21 or whether such resources could be better devel-  
22 oped through a leasing system or other method;

23 (B) the desirability of grants, loans, tax  
24 credits, or other provisions to promote geo-

1 thermal energy development on Federal land;  
2 and

3 (C) any problems, including environmental  
4 concerns, that the Secretary of the Interior or  
5 the Secretary of Agriculture has encountered in  
6 managing geothermal energy projects on Fed-  
7 eral land, or believe are likely to arise in rela-  
8 tion to the development of geothermal energy  
9 on Federal land; and

10 (3) a list, developed in consultation with the  
11 Secretaries of Energy and Defense, of lands under  
12 the jurisdiction of the Departments of Energy and  
13 Defense, respectively, that would be suitable for de-  
14 velopment for geothermal energy, and recommended  
15 statutory and regulatory mechanisms for such devel-  
16 opment.

17 **SEC. 5. CONSULTATION REGARDING GEOTHERMAL LEAS-**  
18 **ING AND PERMITTING ON PUBLIC LANDS.**

19 (a) IN GENERAL.—Not later than 6 months after the  
20 date of the enactment of this Act, the Secretary of the  
21 Interior and the Secretary of Agriculture shall enter into  
22 and submit to the Congress a memorandum of under-  
23 standing in accordance with this section regarding leasing  
24 and permitting, for geothermal development, of public  
25 lands under their respective administrative jurisdictions.

1 (b) LEASE AND PERMIT APPLICATIONS.—The memo-  
2 randum of understanding shall include provisions that—

3 (1) identify known geothermal areas on public  
4 lands within the National Forest System and to the  
5 extent necessary review management plans to con-  
6 sider leasing of such lands under the Geothermal  
7 Steam Act of 1970 (30 U.S.C. 1001 et seq.) as a  
8 land use;

9 (2) establish an administrative procedure for  
10 processing geothermal lease applications, including  
11 lines of authority, steps in application processing,  
12 and timeframes for application processing;

13 (3) provide that the Secretary concerned  
14 shall—

15 (A) within 14 days after receiving an ap-  
16 plication for a lease, determine whether the ap-  
17 plication contains sufficient information to  
18 allow processing of the application; and

19 (B) if the application is found not to con-  
20 tain sufficient information to allow processing  
21 the application, before the end of such 14-day  
22 period, provide written notification to the lease  
23 applicant that the application is being returned  
24 to the applicant without processing and an

1 itemization of the deficiencies in the application  
2 that prevent processing;

3 (4) provide that the Secretary concerned shall  
4 within 30 days after receiving a lease application,  
5 provide written notice to the lease applicant regard-  
6 ing the status of the application, including an esti-  
7 mate of the time that will be required to complete  
8 action on the application; and

9 (5) establish an administrative procedure for  
10 processing geothermal development permits, includ-  
11 ing lines of authority, steps in permit processing,  
12 and timeframes for permit processing.

13 (c) FIVE-YEAR LEASING PLAN.—The memorandum  
14 of understanding shall develop a 5-year plan for leasing  
15 under the Geothermal Steam Act of 1970 (30 U.S.C. 1001  
16 et seq.) of public land in the National Forest System. The  
17 plan for geothermal leasing shall be updated every 5 years.

18 (d) DATA RETRIEVAL SYSTEM.—The memorandum  
19 of understanding shall establish a joint data retrieval sys-  
20 tem that is capable of—

21 (1) tracking lease and permit applications and  
22 requests; and

23 (2) providing to the applicant or requester in-  
24 formation as to their status within the Departments

1 of the Interior and Agriculture, including an esti-  
 2 mate of the time required for administrative action.

3 **SEC. 6. REIMBURSEMENT FOR COSTS OF NEPA ANALYSES,**  
 4 **DOCUMENTATION, AND STUDIES.**

5 (a) IN GENERAL.—The Geothermal Steam Act of  
 6 1970 (30 U.S.C. 1001 et seq.) is amended by adding at  
 7 the end the following:

8 **“SEC. 30. REIMBURSEMENT FOR COSTS OF NEPA ANAL-**  
 9 **YSES, DOCUMENTATION, AND STUDIES.**

10 “(a) IN GENERAL.—The Secretary of the Interior  
 11 may, through royalty credits, reimburse a person who is  
 12 a lessee, operator, operating rights owner, or applicant for  
 13 a lease under this Act for reasonable amounts paid by the  
 14 person for preparation by the Secretary (or a contractor  
 15 or other person selected by the Secretary) of any project-  
 16 level analysis, documentation, or related study required  
 17 under the National Environmental Policy Act of 1969 (42  
 18 U.S.C. 4321 et seq.) with respect to the lease.

19 “(b) CONDITIONS.—The Secretary may provide reim-  
 20 bursement under subsection (a) only if—

21 “(1) adequate funding to enable the Secretary  
 22 to timely prepare the analysis, documentation, or re-  
 23 lated study is not appropriated;

24 “(2) the person paid the amounts voluntarily;  
 25 and

1           “(3) the person maintains records of its costs  
2       in accordance with regulations prescribed by the  
3       Secretary.”.

4       (b) APPLICATION.—The amendment made by this  
5       section shall apply with respect to any lease entered into  
6       before, on, or after the date of the enactment of this Act.

7       (c) DEADLINE FOR REGULATIONS.—The Secretary  
8       shall issue regulations implementing the amendment made  
9       by this section by not later than 90 days after the date  
10      of the enactment of this Act.

11   **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

12       To carry out section 5 through 7 there are authorized  
13      to be appropriated to the Secretary of the Interior such  
14      sums as may be necessary.

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